

## 2001 DRAFTING REQUEST

### Senate Amendment (SA-SB55)

Received: 05/31/2001

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Dyck

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: Drunk Driving - procedures  
Drunk Driving - penalties

Extra Copies: TNF, ARG

Submit via email: NO

Requester's email:

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Pre Topic:

LFB:.....Dyck -

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Topic:

Sanctions for repeat OWI offenders (Motion #1030, #40)

---

Instructions:

See Attached

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	phurley	wjackson	kfollet	_____	lrb_docadmin		
	06/02/2001	06/07/2001	06/07/2001	_____	06/08/2001		
	fasttn	gilfokm	haugeca	_____			
	06/03/2001	06/09/2001	06/08/2001	_____			
	phurley			_____			
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Page 2

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	phurley 06/09/2001			_____			
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	phurley 06/10/2001	csicilia 06/10/2001		_____			
/3	phurley 06/13/2001	wjackson 06/14/2001	kfollet 06/10/2001	_____	lrb_docadmin 06/10/2001		
/4			rschluet 06/14/2001	_____	lrb_docadmin 06/14/2001		

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<END>

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	fasttn	gilfokm	haugca	_____			
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Page 2

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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	06/02/2001	06/07/2001	06/07/2001	_____	06/08/2001		
	fasttn	gilfokm	haugca	_____			
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06/09/2001

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jfrantze  
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06/10/2001

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         01    kjl  
             6/10    kjl/vg  
                         6/10  
                         <END>

**2001 DRAFTING REQUEST****Senate Amendment (SA-SB55)**Received: **05/31/2001**Received By: **phurley**Wanted: **As time permits**

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Subject: **Drunk Driving - procedures  
Drunk Driving - penalties**

Extra Copies:

**ANN, ARG**  
**KMG**Submit via email: **NO**

Requester's email:

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Page 2

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/1	phurley	1 wj 6/7	kg 6/7	==			

FE Sent For:

&lt;END&gt;

north corporate limits of Mauston and Fairway Lane and from 55 miles per hour to 45 miles per hour between Fairway Lane and Welsh Prairie Road.

~~38.~~ **Sidewalk Reconstruction in Wisconsin Rapids** -- Provide \$2,000 SEG in 2001-02 for reconstruction of a sidewalk in Wisconsin Rapids on the south side of Plover Road between the railroad tracks and 36th Street to fund the cost of constructing the sidewalk for wider and thicker than the standard for this area. Specify that the sidewalk to be constructed would be 7 feet wide and 6 inches thick.

39. **Halfway Creek Bike Trail in the Village of Holmen** -- Require DOT to approve a grant under the transportation enhancements program during the 2001-03 biennium to the Village of Holmen for a project known as the Halfway Creek Bike Trail if a local sponsor provides funds toward the cost of the project equal to at least 20% of the cost of the project.

~~40.~~ **Vehicle Sanction and Occupational License Provisions for Repeat OWI Offenses** -- Increase to one year the period of time that a person must wait, after a period of license revocation begins, before becoming eligible to receive an occupational license, for persons whose operating privilege is revoked for a second or subsequent operating while intoxicated (OWI) offense. The period increases for specific offenses would be as follows: (a) from 60 days to one year for persons convicted of an offense of operating a motor vehicle while intoxicated and who have one prior OWI offense; (b) from 90 days to one year for persons convicted of an offense of operating a motor vehicle while intoxicated and who have two or more prior OWI offenses; (c) from 90 days to one year for persons whose operating privilege is revoked for an improper refusal to provide a sample of blood, breath or urine for chemical testing upon request of a law enforcement officer and who have one prior OWI offense; (d) from 120 days to one year for persons whose operating privilege is revoked for an improper refusal and who have two or more prior OWI offenses; (e) from 60 days to one year for persons who are convicted of causing injury by the intoxicated use of a vehicle and who have one or more prior OWI offenses; and (f) from 120 days to one year for persons who are convicted of causing great bodily harm or death by the intoxicated use of a vehicle and who have one or more prior OWI offenses. Specify that these provisions would first apply to offenses committed on September 30, 2001, but that this would not preclude the counting of other convictions, suspensions or revocations as prior convictions, suspensions or revocations for the purposes of administrative action by DOT, sentencing by a court or revocation or suspension of motor vehicle operating privileges.

Require courts, instead of, under current law provisions that take effect on January 1, 2002, permitting them, to order either one of the following vehicle sanctions for persons convicted of a second or subsequent OWI offense, including the offense of improperly refusing to provide a sample of blood, breath or urine for chemical testing: (a) an operating privilege restriction that permits the person to drive only "Class D" vehicles equipped with an ignition interlock device; or (b) the immobilization of each motor vehicle owned by the person. Provide an exception to this requirement if the court orders the seizure of the motor vehicle used in committing the offense, as is allowed under current law for a third or subsequent OWI offense. Prohibit courts from ordering both an ignition interlock device operating privilege restriction and

immobilization and specify that courts cannot order a vehicle seizure if the court imposes either of these sanctions. Specify that, if a court orders an ignition interlock device operating privilege restriction, the period of the restriction would begin one year after the offender's operating privilege revocation began. Specify that, if a court orders vehicle immobilization, the period of immobilization would begin on the first day that the offender's operating privilege is revoked for the OWI offense. Specify that these provisions would first apply to offenses committed on September 30, 2001, but that this would not preclude the counting of other convictions, suspensions or revocations as prior convictions, suspensions or revocations for the purposes of administrative action by DOT, sentencing by a court or revocation or suspension of motor vehicle operating privileges.

\* Require a court to order a minimum of 30 days of community service if community is ordered in lieu of imprisonment for a second OWI offense, first applying to offenses committed on September 30, 2001.\*

[Change to Bill: -\$1,032,700 GPR, -\$5,844,200 SEG, -\$4,529,100 SEG-S, -\$5,693,900 SEG-L, \$255,800 SEG-REV, -\$8,000,000 BR]

A D-note  
to retroactive  
laws -  
or we say  
1st day of first no.  
structure is later?

01

Date (time) SOON  
needed (turned in 6/7)

LRB b 0493 / 1

**BUDGET AMENDMENT  
[ONLY FOR LFB]**

PJM-TNF: WLj : \_\_\_\_\_

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**LFB AMENDMENT**  
**TO 2001 ASSEMBLY BILL 144 AND 2001 SENATE BILL 55**

>>FOR JT. FIN. SUB. — NOT FOR INTRODUCTION<<

At the locations indicated, amend the bill as follows:

↓ #. Page <sup>13</sup> 1541, line <sup>13</sup> 13: after that line insert <sup>13</sup>   
Insert 13

↓ #. Page 1542, line 2: after that line insert <sup>2</sup>   
Insert 2

#. Page 1543, line 6: delete the material beginning with that line and ending with page 1547, line 7, and substitute:

Insert A  
Insert 3  
Insert B  
Insert 4  
Insert C

#. Page 1547, line 19: delete the material beginning with that line and ending with page 1548, line 7, and substitute <sup>19</sup>   
Insert D

#. Page 1555, line 16: delete the material beginning with that line and ending with page 1556, line 4, and substitute <sup>16</sup>   
Insert 5

Insert A (page 1 of 2)

3415m.

" Section # 343.30 (1q) (b) 3. of the statutes is amended to read:

343.30 (1q) (b) 3. Except as provided in subd. 4m., if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other convictions, suspensions and revocations counted under s. 343.307 (1) within a 10-year period, equals 2, the court shall <sup>u</sup>revoke the person's operating privilege for not less than one year nor more than 18 months. After the first 60 days of the revocation period, the person is eligible for an occupational license under s. 343.10 if he or she has completed the assessment and is complying with the driver safety plan ordered under par. (c).

History: 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; s. 13.93 (2) (c).

Insert MB-1

Insert A (page 2 of 2)

3416m.

Section #343.30 (1q) (b) 4. of the statutes is amended to read:

343.30 (1q) (b) 4. Except as provided in subd. 4m., if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other convictions, suspensions, and revocations counted under s. 343.307 (1), equals 3 or more, the court shall revoke the person's operating privilege for not less than 2 years nor more than 3 years. After the first 90 days of the revocation period, the person is eligible for an occupational license under s. 343.10 if he or she has completed the assessment and is complying with the driver safety plan ordered under par. (c).

History: 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; s. 13.93 (2) (c).

Insert A b-1

(end of insert)

Insert B (page 1 of 2)

Section # <sup>3421m.</sup> 343.305 (10) (b) 3<sup>↓</sup> of the statutes is amended to read:

343.305 (10) (b) 3. Except as provided in subd. 4m., if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other convictions, suspensions and revocations counted under s. 343.307 (2) within a 10-year period, equals 2, the court shall revoke the person's operating privilege for 2 years. After the first 90 days of the revocation period, the person is eligible for an occupational license under s. 343.10 if he or she has completed the assessment and is complying with the driver safety plan.

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109.

Insert B-1<sup>✓</sup>

Insert B (page 2 of 2)

⑥ 3422m.

Section # 343.305 (10) (b) 4. of the statutes is amended to read:

343.305 (10) (b) 4. Except as provided in subd. 4m., if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other convictions, suspensions, and revocations counted under s. 343.307 (2), equals 3 or more, the court shall revoke the person's operating privilege for 3 years. After the first 120 days of the revocation period, the person is eligible for an occupational license under s. 343.10 if he or she has completed the assessment and is complying with the driver safety plan.

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109.

Insert B-11

(end of insert)



Insert B-1

(N/A)

or, if the revocation period is for more than one year<sub>5</sub>  
and the total number of convictions, suspensions, and  
revocations counted under this subdivision within a  
5-year period equals 2, after one year of the revocation  
period has elapsed

Insert C

3425m

Section #. 343.31 (3) (bm) 3. of the statutes is amended to read:

343.31 (3) (bm) 3. Except as provided in subd. 4m., if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations and other convictions counted under s. 343.307 (1) within a 10-year period, equals 2, the department shall revoke the person's operating privilege for not less than one year nor more than 18 months. If an Indian tribal court in this state revokes the person's privilege to operate a motor vehicle on tribal lands for not less than one year nor more than 18 months for the conviction specified in par. (bm) (intro.), the department shall impose the same period of revocation. After the first 60 days of the revocation period, the person is eligible for an occupational license under s. 343.10. ✓

History: 1971 c. 219; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193, 447; 1979 c. 221; 1981 c. 20, 70; 1983 a. 192 s. 304; 1983 a. 459; 1985 a. 80, 82; 1985 a. 293 s. 3; 1987 a. 3, 399; 1989 a. 31, 105; 1991 a. 39, 277, 316; 1993 a. 317; 1995 a. 269, 425, 448; 1997 a. 84, 237, 258, 295; 1999 a. 109, 143; s. 13.93 (2) (c).

Insert B-1

## Insert D (page 1 of 2)

1 than one year has elapsed, the person is eligible for an occupational license under s.  
2 343.10.

3 SECTION 6. 343.31 (3) (bm) 4. of the statutes is amended to read:

4 343.31 (3) (bm) 4. Except as provided in subd. 4m., if the number of convictions  
5 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other  
6 suspensions, revocations and convictions counted under s. 343.307 (1), equals 3 or  
7 more, the department shall revoke the person's operating privilege for not less than  
8 2 years nor more than 3 years. If an Indian tribal court in this state revokes the  
9 person's privilege to operate a motor vehicle on tribal lands for not less than 2 years  
10 nor more than 3 years for the conviction specified in par. (bm) (intro.), the department  
11 shall impose the same period of revocation. After the first 90 days one year of the  
12 revocation period has elapsed, the person is eligible for an occupational license under  
13 s. 343.10.

14 11 SECTION 7. 343.31 (3m) (a) of the statutes is amended to read:

15 3426m. 343.31 (3m) (a) Any person who has his or her operating privilege revoked  
16 under sub. (3) (c) or (f) is eligible for an occupational license under s. 343.10 after the  
17 first 120 days of the revocation period, except that if a person has one or more prior  
18 convictions, suspensions, or revocations for any offense that is counted under s.  
19 343.307 (1), the person is eligible for an occupational license under s. 343.10 after one  
20 year of the revocation period has elapsed. within a 5-year period

21 3427m. SECTION 8. 343.31 (3m) (b) of the statutes is amended to read:

22 343.31 (3m) (b) Any person who has his or her operating privilege revoked  
23 under sub. (3) (e) is eligible for an occupational license under s. 343.10 after the first  
24 60 days of the revocation period, except that if a person has one or more prior  
25 convictions, suspensions, or revocations for any offense that is counted under s.

1 343.307 (1), the person is eligible for an occupational license under s. 343.10 after one  
2 year of the revocation period has elapsed. within a 5-year period ✓

3 **SECTION 9352. Initial applicability; transportation.**

4 (1) OCCUPATIONAL LICENSE ELIGIBILITY. The treatment of sections 343.30 (1q) (b)  
5 3. and 4., 343.305 (10) (b) 3. and 4., and 343.31 (3) (bm) 3. and 4. and (3m) (a) and (b)  
6 of the statutes first applies to violations committed or refusals occurring on the  
7 effective date of this subsection, but does not preclude the counting of other  
8 convictions, suspensions, or revocations as prior convictions, suspensions, or  
9 revocations for purposes of administrative action by the department of  
10 transportation, sentencing by a court, or revocation or suspension of motor vehicle  
11 operating privileges.

12 **SECTION 9452. Effective dates; transportation.**

13 (1) OCCUPATIONAL LICENSE ELIGIBILITY. The treatment of sections 343.30 (1q) (b)  
14 3. and 4., 343.305 (10) (b) 3. and 4., and 343.31 (3) (bm) 3. and 4. and (3m) (a) and (b)  
15 of the statutes and SECTION 9352 (1) of this act take effect on January 1, 2002.  
16

(end of insert)

Insert E (page 4 of 4)

#. Page 1722, line 21: after that line insert:

<sup>CS+B</sup> <sup>B</sup>  
= SECTION 4060gb. RP; 1999 Wisconsin Act 109,

section 16m<sup>✓</sup>

<sup>CS+B</sup> <sup>B</sup>  
= SECTION 4060gd. RP; 1999 Wisconsin Act 109,

section 16p<sup>✓</sup>

<sup>CS+B</sup> <sup>B</sup>  
= SECTION 4060gf. RP; 1999 Wisconsin Act 109,

section 16r<sup>✓</sup>

<sup>CS+B</sup> <sup>B</sup>  
= SECTION 4060gg. RP; 1999 Wisconsin Act 109,

section 17<sup>✓</sup>

<sup>CS+B</sup> <sup>B</sup>  
= SECTION 4060gj. RP; 1999 Wisconsin Act 109,

section 26<sup>✓</sup>

<sup>CS+B</sup> <sup>B</sup>  
= SECTION 4060gk. RP; 1999 Wisconsin Act 109,

section 38<sup>✓</sup>

<sup>CS+B</sup> <sup>B</sup>  
= SECTION 4060gm. RP; 1999 Wisconsin Act 109,

section 56j<sup>✓</sup>

Insert E (page 2 of 4)

CS + B B

SECTION 4060gp. RP; 1999 Wisconsin Act 109,

section 58<sup>✓</sup>

CS + B B

SECTION 4060gr. RP; 1999 Wisconsin Act 109,

section 59<sup>✓</sup>

CS + B B

SECTION 4060gt. RP; 1999 Wisconsin Act 109,

section 60<sup>✓</sup>

CS + B B

SECTION 4060gw. RP; 1999 Wisconsin Act 109,

section 62<sup>✓</sup>

CS + B B

SECTION 4060gy. RP; 1999 Wisconsin Act 109,

section 62d<sup>✓</sup>

CS + B B

SECTION 4060hb. RP; 1999 Wisconsin Act 109,

section 62h<sup>✓</sup>

CS + B B

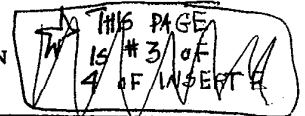
SECTION 4060hd. RP; 1999 Wisconsin Act 109,

section 70<sup>✓</sup>

CS + B B

SECTION 4060hf. RP; 1999 Wisconsin Act 109,

section 71<sup>✓</sup>



Insert E (page 3 of 4)

CS + B B  
SECTION 4060hg. RP; 1999 Wisconsin Act 109,  
= section 72<sup>v</sup>

CS + B B  
SECTION 4060hj. RP; 1999 Wisconsin Act 109,  
= section 73<sup>v</sup>

CS + B B  
SECTION 4060hk. RP; 1999 Wisconsin Act 109,  
= section 84<sup>v</sup>

CS + B B  
SECTION 4060hm. RP; 1999 Wisconsin Act 109,  
= section 85<sup>v</sup>

CS + B B  
SECTION 4060hp. RP; 1999 Wisconsin Act 109,  
= section 86<sup>v</sup>

CS + B B  
SECTION 4060hr. RP; 1999 Wisconsin Act 109,  
= section 87<sup>v</sup>

CS + B B  
SECTION 4060ht. AM; 1999 Wisconsin Act 109,  
= section 88(2)<sup>v</sup>

Insert E (page 4 of 4)

~~99 Wis. Act 109, § 88 - continued~~



(2) The department of transportation and the department of health and family services shall study jointly and evaluate the effectiveness of using ignition interlock devices and vehicle immobilization as methods of reducing the prevalence of drunk driving and the recidivism of drunk-driving offenders. The departments shall consult with the counties, the law enforcement agencies, the courts and the providers of services to alcohol abusers regarding this study and evaluation. No later than the first day of the 24th month beginning after the effective date of ~~section 343.301 of the statutes, as created in this act~~, the department shall submit a report to the legislature in the manner provided under section 13.172 (2) of the statutes that contains the conclusions of the departments' study and evaluation and any recommendations concerning implementation of the conclusions.

January 1, 2004

[1999 Wisconsin Act 109] Section 88

<sup>CS + B</sup> <sup>B</sup>  
SECTION 4060 hw. RP; 1999 Wisconsin Act 109,  
section 90(3) ✓

<sup>CS + B</sup> <sup>B</sup>  
SECTION 4060 hy. RP; 1999 Wisconsin Act 109,  
section 91(2) ✓ ✓

(end of insert)



2001

Date (time)  
needed

LRB b 0493 / 1

# BUDGET AMENDMENT

PJH-TNF: : :

See form AMENDMENTS — COMPONENTS & ITEMS.

## A S AMENDMENT TO 2001 AB 144 OR 2001 SB 55

At the locations indicated, amend the bill as follows:

1 #. Page 1556, line 17: after that line insert

Insert 6

1 #. Page 1690, line 3: delete lines 3 to 20 and substitute

Insert 7

1 #. Page 1722, line 2: after that line insert

Insert E

#. Page 1810, line 16: delete lines 16 to 23 and substitute

Insert 8

#. Page 1826, line 6: delete the material beginning with

Substitute "September 30, 2001" and ending with "2001" and substitute

1, 2002

Insert 9

(END)

#. Page 2, line 2:

D-NOTE

# Page 1826, line 7: delete lines 7 to 10 and substitute

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB01b493/insert

PJH:.....

1

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INSERT 1:

⑥ 1  
340~~8~~e

②

SECTION 342.12 (4) (a) of the statutes is amended to read:

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342.12 (4) (a) The district attorney shall notify the department when he or she files a criminal complaint against a person who has been arrested for violating s. 346.63 (1) or (2), 940.09 (1) or 940.25 and who has 2 or more prior convictions, suspensions or revocations, as counted under s. 343.307 (1). Except as provided under par. (c), the department may not issue a certificate of title transferring ownership of any motor vehicle owned by the person and involved in the violation upon receipt of a notice under this subsection until the court assigned to hear the criminal complaint issues an order permitting the department to issue a certificate of title.

⑫

SECTION 342.12 (4) (b) of the statutes is amended to read:

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342.12 (4) (b) Except as provided under par. (c), if a person has 2 or more prior convictions, suspensions or revocations, as counted under s. 343.307 (1) and the department receives notice of intent to revoke the person's operating privilege under s. 343.305 (9) (a), the department may not issue a certificate of title transferring ownership of any the motor vehicle owned by a person the person and involved in the violation upon receipt of a notice of intent to revoke the person's operating privilege under s. 343.305 (9) (a), if the person has 2 or more prior convictions, suspensions or revocations, as counted under s. 343.307 (1), until the court assigned to the hearing under s. 343.305 (9) issues an order permitting the department to issue a certificate of title.

SECTION 342.12 (4) (c) 1. (intro.) of the statutes is amended to read:

1           342.12 (4) (c) 1. (intro.) The department shall issue a certificate of title  
2 transferring ownership of a motor vehicle that was owned by a person who has  
3 received a notice of intent to revoke the person's operating privilege under s. 343.305  
4 (9) (a) or has been arrested for violating s. 346.63 (1) or (2), 940.09 (1) or 940.25 and  
5 who has 2 or more prior convictions, suspensions or revocations, as counted under  
6 s. 343.307 (1), subject to the restrictions under par. (a) or (b) if all of the following  
7 conditions are met:".

8           INSERT 2:

9           "SECTION <sup>3409g</sup> ~~343.10~~ (5) (a) 3. of the statutes is amended to read:

10           343.10 (5) (a) 3. If the applicant has 2 or more prior convictions, suspensions<sup>or 2.</sup><sub>5</sub>  
11 or revocations, as counted under s. 343.307 (1), the occupational license of the  
12 applicant shall restrict the applicant's operation under the occupational license to  
13 vehicles that are equipped with a functioning ignition interlock device if the court  
14 has ordered under s. 346.65 (6) (a) 1., <sup>517</sup>1997 stats., or s. 343.304<sup>517</sup> (1) (a) 1. that a motor  
15 vehicle owned by the person be equipped with an ignition interlock device. A person  
16 to whom a restriction under this subdivision applies violates that restriction if he or  
17 she requests or permits another to blow into an ignition interlock device or to start  
18 a motor vehicle equipped with an ignition interlock device for the purpose of  
19 providing the person an operable motor vehicle without the necessity of first  
20 submitting a sample of his or her breath to analysis by the ignition interlock device.  
21 If the occupational license restricts the applicant's operation to a vehicle that is  
22 equipped with an ignition interlock device, the applicant shall be liable for the  
23 reasonable costs of equipping the vehicle with the ignition interlock device.".

24           INSERT 3:

25           ~~SECTION 3417b~~ <sup>3417m</sup> 343.301 of the statutes is created to read:

⑧

1       **343.301 Installation of ignition interlock device or immobilization of a**  
2 **motor vehicle.** (1) **IGNITION INTERLOCK.** (a) 1. Except as provided in subd. 2., if a  
3 person improperly refuses to take a test under s. 343.305 or violates s. 346.63 (1) or  
4 (2), 940.09 (1) or 940.25, and the person has a total of one or more prior convictions,  
5 suspensions, or revocations, counting convictions under ss. 940.09 (1) and 940.25 in  
6 the person's lifetime and other convictions, suspensions, and revocations counted  
7 under s. 343.307 (1), the court may order that the person's operating privilege for the  
8 operation of "Class D" vehicles be restricted to operating "Class D" vehicles that are  
9 equipped with an ignition interlock device.

10       2. If a person improperly refuses to take a test under s. 343.305 or violates s.  
11 346.63 (1) or (2), 940.09 (1) or 940.25, and the person has a total of one or more prior  
12 convictions, suspensions, and revocations counted under s. 343.307 (1) within a *motor*  
13 5-year period, the court shall order that each vehicle owned by the person be  
14 equipped with an ignition interlock device. This subdivision does not apply if the  
15 court orders the immobilization of each motor vehicle owned by the person under sub.  
16 (2) (a) 2. or, if the person has 2 or more prior convictions, suspensions, or revocations  
17 for purposes of this subdivision, the court orders seizure and forfeiture under s.  
18 346.65 (6).

19       (b) 1. The court may restrict the operating privilege restriction under par. (a)  
20 1. for a period of not less than one year nor more than the maximum operating  
21 privilege revocation period permitted for the refusal or violation.

22       2. The court shall order the installation of an ignition interlock device under  
23 par. (a) 2. for a period of not less than one year nor more than the maximum operating  
24 privilege revocation period permitted for the refusal or violation, beginning one year  
25 after the operating privilege revocation period begins.

enters an order under  
① (c) If the court ~~restricts the person's operating privilege~~ under par. (a), the  
2 person shall be liable for the reasonable cost of equipping and maintaining any  
an order ③ ignition interlock device installed in ~~his or her~~ motor vehicle. a par. (a)

④ (d) A person to whom ~~a restriction~~ under this subsection applies violates that

order ⑤ ~~restriction~~ if he or she requests or permits another to blow into an ignition interlock  
6 device or to start a motor vehicle equipped with an ignition interlock device for the  
7 purpose of providing the person an operable motor vehicle without the necessity of  
8 first submitting a sample of his or her breath to analysis by the ignition interlock  
9 device.

⑩ (2) IMMOBILIZATION. (a) 1. Except as provided in subd. 2, if a person improperly  
⑪ refuses to take a test under s. 343.305 or violates s. 346.63 (1) or (2), 940.09 (1) or  
12 940.25, and the person has a total of one or more prior convictions, suspensions, or  
13 revocations, counting convictions under ss. 940.09 (1) and 940.25 in the person's  
14 lifetime and other convictions, suspensions, and revocations counted under s.  
15 343.307 (1), the court may order that the motor vehicle used during the refusal or  
⑬ violation and <sup>owned</sup> owned by the person be immobilized.

17 2. If a person improperly refuses to take a test under s. 343.305 or violates s.  
⑬ 346.63 (1) or (2), 940.09 (1) or 940.25, and the person has a total of one or more prior  
19 convictions, suspensions, and revocations counted under s. 343.307 (1) within a  
20 5-year period, the court shall order that each vehicle owned by the person be  
21 immobilized. This subdivision does not apply if the court orders the installation of  
22 an ignition interlock device in each motor vehicle owned by the person under sub. (1)  
23 (a) 2. or, if the person has 2 or more prior convictions, suspensions, or revocations for  
24 purposes of this subdivision, the court orders seizure and forfeiture under s. 346.65  
25 (6).

1 (b) 1. The court may order the immobilization under par. (a) <sup>1. ✓</sup> for a period of  
2 not less than one year nor more than the maximum operating privilege revocation  
3 period permitted for refusal or violation.

4 2. The court shall order the immobilization under par. (a) <sup>✓</sup> 2. for a period of not  
5 less than one year nor more than the maximum operating privilege revocation period  
6 permitted for the refusal or violation, beginning on the first day of the operating  
7 privilege revocation period. <sup>under par. (a) ✓</sup>

8 (c) If the court orders that <sup>a</sup> ~~the person's~~ motor vehicle be immobilized, the person  
9 shall be liable for the reasonable cost of equipping and maintaining any  
10 immobilization device installed on ~~his or her~~ <sup>the</sup> motor vehicle.

11 (d) The court shall notify the department, in a form and manner prescribed by  
12 the department, that an order to immobilize a motor vehicle has been entered. The  
13 registration records of the department shall reflect that the order has been entered  
14 against the motor vehicle and remains unexecuted. Any law enforcement officer may  
15 execute that order based on the information provided by the department. The law  
16 enforcement agency shall notify the department when an order has been executed  
17 under this paragraph <sup>✓</sup> and the department shall amend its vehicle registration  
18 records to reflect that notification.

19 (e) Within 10 days after immobilizing a motor vehicle under par. (d), <sup>✓</sup> the law  
20 enforcement agency that immobilized the <sup>motor</sup> vehicle shall provide notice of the  
21 immobilization to all lienholders of record. The notice shall set forth the year, make,  
22 model <sup>✓</sup> and vehicle identification number of the motor vehicle, where the motor  
23 vehicle is located and the reason for the immobilization.

24 <sup>3418m</sup> SECTION ~~341.70~~ <sup>343.301</sup> (1) (a) 1. of the statutes, as <sup>GET</sup> affected by 2001  
25 Wisconsin Act . . . (this act) is amended to read: <sup>created</sup>

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1 343.301 (1) (a) 1. Except as provided in subd. 2., if a person improperly refuses  
2 to take a test under s. 343.305 or violates s. 346.63 (1) or (2), 940.09 (1) or 940.25, and  
3 the person has a total of one or more prior convictions, suspensions, or revocations,  
4 counting convictions under ss. 940.09 (1) and 940.25 in the person's lifetime and  
5 other convictions, suspensions, and revocations counted under s. 343.307 (1), the  
6 court may order that the person's operating privilege for the operation of "Class D"  
7 ~~vehicles be restricted to operating "Class D" vehicles that are each vehicle owned by~~<sup>motor</sup>  
8 ~~the person be equipped with an ignition interlock device. This subdivision does not~~  
9 ~~apply if the court orders the immobilization of each motor vehicle owned by the~~  
10 ~~person under sub. (2) (a) 1. or, if the person has 2 or more prior convictions,~~  
11 ~~suspensions, or revocations for purposes of this subdivision, the court orders seizure~~  
12 ~~and forfeiture under s. 346.65 (6).~~ 3419m

13 SECTION ~~343.301~~ 343.301 (1) (b) 1. of the statutes, as created by 2001  
14 Wisconsin Act . . . (this act) is amended to read: stet: don't strike (plain)

15 343.301 (1) (b) 1. The court ~~may restrict the operating privilege restriction~~  
16 ~~order the installation of an ignition interlock device under par. (a) 1. for a period of~~  
17 ~~not less than one year nor more than the maximum operating privilege revocation~~  
18 ~~period permitted for the refusal or violation.~~

19 3420m SECTION ~~343.301~~ 343.301 (2) (a) 1. of the statutes, as <sup>created</sup> ~~affected~~ by 2001  
20 Wisconsin Act . . . (this act) is amended to read: LPS: please fix

21 343.301 (2) (a) 1. Except as provided in subd. 2, if a person improperly refuses  
22 to take a test under s. 343.305 or violates s. 346.63 (1) or (2), 940.09 (1) or 940.25, and  
23 the person has a total of one or more prior convictions, suspensions, or revocations,  
24 counting convictions under ss. 940.09 (1) and 940.25 in the person's lifetime and  
25 other convictions, suspensions, and revocations counted under s. 343.307 (1), the

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1 court may order that ~~the motor vehicle used during the refusal or violation and each~~  
2 motor vehicle owned by the person be immobilized. This subdivision does not apply  
3 if the court orders the installation of an ignition interlock device in each motor  
4 vehicle owned by the person under sub. (1) (a) 1. or, if the person has 2 or more prior  
5 convictions, suspensions, or revocations for purposes of this subdivision, the court  
6 orders seizure and forfeiture under s. 346.65 (6).

7 INSERT 4:

⑧ 3423g

8 ~~SECTION 343.305~~ 343.305 (10m) of the statutes is renumbered 343.305 (10m) (a)  
9 and amended to read:

10 343.305 (10m) (a) REFUSALS; SEIZURE, IMMOBILIZATION OR IGNITION INTERLOCK OF  
11 A MOTOR VEHICLE. If Except as provided in par. (b), if the person whose operating  
12 privilege is revoked under sub. (10) has 2 or more prior convictions, suspensions, or  
13 revocations, as counted under s. 343.307 (1), the procedure under s. 346.65 (6) shall  
14 be followed regarding the immobilization or seizure and forfeiture of a motor vehicle  
15 owned by the person or the equipping of a motor vehicle owned by the person with  
16 an ignition interlock device the court shall follow the procedure under s. 343.301 if  
17 the court orders the immobilization of the motor vehicle used in the commission of  
18 the offense and owned by the person or if the court requires that the person's  
19 operating privilege for the operation of "Class D" vehicles be restricted to operating  
20 "Class D" vehicles equipped with an ignition interlock device. If the number of  
21 convictions under ss. 940.09 (1) and 940.25 in the lifetime of the person whose  
22 operating privilege is revoked under sub. (10), plus the total number of other  
23 convictions, suspensions, and revocations counted under s. 343.307 (1), equals 2 or  
24 more, the procedure under s. 346.65 (6) shall be followed if the court orders the

improper refusal



1 seizure and forfeiture of the motor vehicle used in the improper refusal and owned  
2 by the person. <sup>⑥</sup> 3423j

3 SECTION ~~343.305~~ 343.305 (10m) (a) of the statutes, as affected by 2001  
4 Wisconsin Act . . . (this act), is amended to read:

5 343.305 (10m) (a) REFUSALS; SEIZURE, IMMOBILIZATION OR IGNITION INTERLOCK OF  
6 A MOTOR VEHICLE. Except as provided in par. (b), if the person whose operating  
7 privilege is revoked under sub. (10) has 2 or more prior convictions, suspensions, or  
8 revocations, as counted under s. 343.307 (1), <sup>9</sup> the court shall follow the procedure  
9 under s. 343.301 if the court orders the immobilization of the each motor vehicle used  
10 in the ~~commission of the offense~~ and owned by the person or if the court requires that  
11 the person's operating privilege for the operation of "Class D" vehicles be restricted  
12 to operating "Class D" vehicles each motor vehicle owned by the person be equipped  
13 with an ignition interlock device. If the number of convictions under ss. 940.09 (1)  
14 and 940.25 in the lifetime of the person whose operating privilege is revoked under  
15 sub. (10), plus the total number of other convictions, suspensions, and revocations  
16 counted under s. 343.307 (1), equals 2 or more, the procedure under s. 346.65 (6) shall  
17 be followed if the court orders the seizure and forfeiture of the motor vehicle used in  
18 the improper refusal and owned by the person. <sup>⑥</sup> 3423k

19 SECTION ~~343.305~~ 343.305 (10m) (b) of the statutes is created to read:

20 343.305 (10m) (b) If the person whose operating privilege is revoked under sub.  
21 (10) has one or more prior convictions, suspensions, or revocations, as counted under  
22 s. 343.307 (1) <sup>✓</sup> within a 5-year period, the court shall follow the procedure under s.  
23 343.301 <sup>✓</sup> if the court orders the immobilization of each motor vehicle owned by the  
24 person or if the court requires that each motor vehicle owned by the person be  
25 equipped with an ignition interlock device. If the number of convictions under ss.

improper refusal

1 940.09 (1)<sup>↓</sup> and 940.25<sup>↓</sup> in the lifetime of the person whose operating privilege is  
2 revoked under sub. (10)<sup>↓</sup>, plus the total number of other convictions, suspensions, and  
3 revocations counted under s. 343.307 (1)<sup>↓</sup>, equals 2 or more, the procedure under s.  
4 346.65 (6)<sup>↓</sup> shall be followed if the court orders the seizure and forfeiture of the motor  
5 vehicle used in the improper refusal and owned by the person. ~~///~~

6 INSERT 5:

7  LPS: Please Fix

8 ~~SECTION 3443k.~~ 346.65 (6) (a) 1.<sup>↓</sup> of the statutes is amended to read:

9 346.65 (6) (a) 1. The court may order a law enforcement officer to seize the  
10 motor vehicle used in the violation or improper refusal and owned by the person, ~~or,~~  
11 ~~if the motor vehicle is not ordered seized, shall order a law enforcement officer to~~  
12 ~~equip the motor vehicle with an ignition interlock device or immobilize any motor~~  
13 ~~vehicle owned by the person, whose operating privilege is revoked under s. 343.305~~  
14 ~~(10) or who committed a violation of s. 346.63 (1) (a), <sup>or</sup> (b) or (2) (a) 1. or 2., 940.09 (1)~~  
15 ~~(a) <sup>or</sup> (b), (c) <sup>or</sup> (d) <sup>or</sup> 940.25 (1) (a), (b), (c) <sup>or</sup> (d) if the person whose operating~~  
16 ~~privilege is revoked under s. 343.305 (10) or who is convicted of the violation has 2~~  
17 ~~or more prior suspensions, revocations <sup>or</sup> convictions, counting convictions under ss.~~  
18 ~~940.09 (1) and 940.25 in the person's lifetime, plus other convictions, suspensions,~~  
19 ~~or revocations counted under s. 343.307 (1). The court may not order a motor vehicle~~  
20 ~~seized, equipped with an ignition interlock device or immobilized if that if the court~~  
21 ~~enters an order under s. 343.301 (1) (a) 1. or 2. or (2) (a) 1. or 2., or if seizure would~~  
22 result in undue hardship or extreme inconvenience or would endanger the health  
23 and safety of a person. <sup>3443k6</sup>

24 SECTION ~~3443k~~. 346.65 (6) (a) 2m.<sup>↓</sup> of the statutes is amended to read:

25 346.65 (6) (a) 2m. A person who owns a motor vehicle subject to seizure,  
~~equipping with an ignition interlock device or immobilization under this paragraph~~

to immobilize the motor vehicle or equip the motor  
vehicle with an ignition interlock device

1 shall surrender to the clerk of circuit court the certificate of title issued under ch. 342  
2 for ~~every the~~ motor vehicle owned by the person that is subject to seizure. The person  
3 shall comply with this subdivision within 5 working days after receiving notification  
4 of this requirement from the district attorney. When a district attorney receives a  
5 copy of a notice of intent to revoke the operating privilege under s. 343.305 (9) (a) of  
6 a person who has 2 or more prior convictions, suspensions or revocations, as counting  
7 convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus other  
8 convictions, suspensions, or revocations counted under s. 343.307 (1), or when a  
9 district attorney notifies the department of the filing of a criminal complaint against  
10 a person under s. 342.12 (4) (a), the district attorney shall notify the person of the  
11 requirement to surrender ~~all certificates~~ the certificate of title to the clerk of circuit  
12 court. The notification shall include the time limits for that surrender, the penalty  
13 for failure to comply with the requirement, and the address of the clerk of circuit  
14 court. The clerk of circuit court shall promptly return ~~each~~ the certificate of title  
15 surrendered to the clerk of circuit court under this subdivision after stamping the  
16 certificate of title with the notation "Per section 346.65 (6) of the Wisconsin statutes,  
17 ownership of this motor vehicle may not be transferred without prior court approval".  
18 Any person failing to surrender a certificate of title as required under this  
19 subdivision shall forfeit not more than \$500. 3443kd

20 SECTION ~~444444~~ 346.65 (6) (a) 3. of the statutes is amended to read:

21 346.65 (6) (a) 3. The court shall notify the department, in a form and manner  
22 prescribed by the department, that an order to ~~equip a motor vehicle with an ignition~~  
23 ~~interlock device, to immobilize a motor vehicle or to seize a motor vehicle~~ has been  
24 entered. The registration records of the department shall reflect that the order has  
25 been entered against the motor vehicle and remains unexecuted. Any law enforcement

1 officer may execute that order and shall transfer any motor vehicle ordered seized  
2 to the law enforcement agency that was originally ordered to seize the <sup>motor</sup> vehicle based  
3 on the information provided by the department. The law enforcement agency shall  
4 notify the department when an order has been executed under this subdivision and  
5 the department shall amend its vehicle registration records to reflect that  
6 notification.

7 SECTION <sup>3443kg</sup> ~~4444am~~ 346.65 (6) (b) of the statutes is amended to read:

8 346.65 (6) (b) Within 10 days after seizing ~~or immobilizing~~ a motor vehicle  
9 under par. (a), the law enforcement agency that seized ~~or immobilized~~ the <sup>motor</sup> vehicle  
10 shall provide notice of the seizure ~~or immobilization~~ by certified mail to the owner  
11 of the motor vehicle and to all lienholders of record. The notice shall set forth the  
12 year, make, model <sup>↑</sup> and serial number of the motor vehicle, where the motor vehicle  
13 is located, the reason for the seizure ~~or immobilization~~, and the forfeiture procedure  
14 if the <sup>motor</sup> vehicle was seized. When a motor vehicle is seized under this section, the law  
15 enforcement agency that seized the <sup>motor</sup> vehicle shall place the motor vehicle in a secure  
16 place subject to the order of the court.

17 SECTION \_\_\_\_\_. 346.65 (6) (d) of the statutes is amended to read:

18 346.65 (6) (d) At the hearing set under par. (c), the state has the burden of  
19 proving to a reasonable certainty by the greater weight of the credible evidence that  
20 the motor vehicle seized under par. (a) 1. is a motor vehicle used in the violation or  
21 the improper refusal and owned by a person who committed a violation of s. 346.63  
22 (1) (a) or (b) or (2) (a) 1. or 2., 940.09 (1) (a), (b), (c) or (d) or 940.25 (1) (a), (b), (c) or  
23 (d) and, ~~if the seizure is under par. (1) 1.,~~ that the person had 2 or more prior  
24 convictions, suspensions or revocations, as counting convictions under ss. 940.09 (1)  
25 and 940.25 in the person's lifetime, plus other convictions, suspensions or

~~revocations counted under s. 343.307 (1) or, if the seizure is under par. (1) 2., 3 or more prior convictions, suspensions or revocations, as counted under s. 343.307 (1). If the state fails to meet the burden of proof required under this paragraph, the motor vehicle shall be returned to the owner upon the payment of storage costs.~~

5 ⑥ SECTION ~~3443kj~~ 346.65 (6) (k) of the statutes is amended to read:

6 346.65 (6) (k) Except as provided in par. (km), no person may transfer  
7 ownership of any motor vehicle that is subject to immobilization or seizure or to  
8 equipping with an ignition interlock device under this subsection or make  
9 application for a new certificate of title under s. 342.18 for the motor vehicle unless  
10 the court determines that the transfer is in good faith and not for the purpose of or  
11 with the effect of defeating the purposes of this subsection. The department may  
12 cancel a title or refuse to issue a new certificate of title in the name of the transferee  
13 as owner to any person who violates this paragraph. ⑥ 3443km

14 ④ SECTION ~~3443kj~~ 346.65 (6) (m) of the statutes is repealed.”.

15 INSERT 6:

16 ⑥ 3445g “SECTION ~~3443kj~~ 347.413 (1) of the statutes is amended to read:

17 347.413 (1) No person may remove, disconnect, tamper with, or otherwise  
18 circumvent the operation of an ignition interlock device installed in response to the  
19 court order under s. 346.65 (6), 1997 stats., or s. 343.301 (1). This subsection does  
20 not apply to the removal of an ignition interlock device upon the expiration of the  
21 order requiring the motor vehicle to be so equipped or to necessary repairs to a  
22 malfunctioning ignition interlock device by a person authorized by the department.

istory: 1991 a. 277; 1993 a. 213; 1999 a. 109.

23 ⑥ 3445gm SECTION ~~3443kj~~ 347.413 (2) of the statutes is repealed.

24 SECTION ~~3443kj~~ 347.417 (1) of the statutes is amended to read:

⑥ 3445gp

① 347.417 (1) No person may remove, disconnect, tamper with or otherwise  
2 circumvent the operation of any immobilization device installed in response to a  
③ court order under s. 346.65 (6), 1997 stats., or s. 343.301 (1). This subsection does (2)  
4 not apply to the removal of an immobilization device pursuant to a court order or to  
5 necessary repairs to a malfunctioning immobilization device.

istory: 1991 a. 277; 1999 a. 109.

⑥ SECTION 34459s. 347.417 (2) of the statutes is amended to read:

7 347.417 (2) The department shall design a warning label which shall be affixed  
8 by the owner of each immobilization device before the device is used to immobilize  
9 any motor vehicle under s. 346.65 (6) 343.301 (2). The label shall provide notice of  
⑩ the penalties for removing, disconnecting, tampering with or otherwise  
11 circumventing the operation of the immobilization device.”

12 INSERT 7: 3937j

⑬ “SECTION 940.09 (1d) of the statutes is renumbered 940.09 (1d) (b) and  
14 amended to read:

15 940.09 (1d) (b) If the person who committed an offense under sub. (1) (a), (b),  
⑬ (c) or (d) has 2 or more prior convictions, suspensions, or revocations, as counting  
⑬ convictions under sub. (1) and s. 940.25 in the person's lifetime plus other  
18 convictions, suspensions or revocations counted under s. 343.307 (1), the procedure  
19 under s. 346.65 (6) may shall be followed regarding the immobilization or if the court  
20 orders the seizure and forfeiture of a motor vehicle owned by the person who  
21 committed the offense or the equipping of a motor vehicle owned by the person with  
22 an ignition interlock device.

istory: 1977 c. 173; 1981 c. 20, 184, 314, 391; 1983 a. 459; 1985 a. 331; 1987 a. 399; 1989 a. 105, 275, 359; 1991 a. 32, 277; 1993 a. 317; 1995 a. 425, 436; 1997 a. 237, 295, 338; 1999 a. 32, 109.

⑬ SECTION 940.09 (1d) (a) of the statutes is created to read:

3937k

1 940.09 (1d) (a) 1. Except as provided in subd. 2., if a person who committed an  
2 offense under sub. (1) (a), (b), (c) or (d) has 2 or more prior convictions, suspensions<sup>plain</sup>  
3 or revocations, counting convictions under sub. (1) and s. 940.25 in the person's  
4 lifetime plus other convictions, suspensions, or revocations counted under s. 343.307  
5 (1), the procedure under s. 343.301 shall be followed if the court orders that the  
6 person's operating privilege for the operation of "Class D" vehicles be restricted to  
7 operating "Class D" vehicles that are equipped with an ignition interlock device or  
8 if the court orders that the motor vehicle used during the refusal or violation and  
9 owned by the person be immobilized.

10 2. If a person who committed an offense under sub. (1) (a), (b), (c) or (d) has 2  
11 or more prior convictions, suspensions<sup>plain</sup> or revocations counted under s. 343.307 (1)  
12 within a 5-year period, the procedure under s. 343.301 shall be followed if the court  
13 orders the installation of an ignition interlock device in each motor vehicle owned by  
14 the person or if the court orders that each motor vehicle owned by the person be  
15 immobilized.

16 SECTION ~~XXXXX~~ 3937m 940.09 (1d) (a) 1. of the statutes, as created by 2001 Wisconsin  
17 Act . . . (this act), is amended to read:

18 940.09 (1d) (a) 1. Except as provided in subd. 2., if a person who committed an  
19 offense under sub. (1) (a), (b), (c) or (d) has 2 or more prior convictions, suspensions<sup>plain</sup>  
20 or revocations, counting convictions under sub. (1) and s. 940.25 in the person's  
21 lifetime plus other convictions, suspensions, or revocations counted under s. 343.307  
22 (1), the procedure under s. 343.301 shall be followed if the court orders ~~that the~~  
23 ~~person's operating privilege for the operation of "Class D" vehicles be restricted to~~  
24 ~~operating "Class D" vehicles that are equipped with the installation of an ignition~~  
25 ~~interlock device in each vehicle owned by the person~~ <sup>motor</sup> or if the court orders that the

LG  
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1 ~~each~~ motor vehicle used ~~during the refusal or violation and~~ owned by the person be  
2 immobilized. 3938j

3 SECTION 4. 940.25 (1d) of the statutes is renumbered 940.25 (1d) (b) and  
4 amended to read:

5 940.25 (1d) (b) If the person who committed the offense under sub. (1) (a), (b),  
6 (c) or (d) has 2 or more prior convictions, suspensions or revocations, as counting  
7 convictions under this section and s. 940.09 (1) in the person's lifetime plus other  
8 convictions, suspensions or revocations counted under s. 343.307 (1), the procedure  
9 under s. 346.65 (6) ~~may shall~~ be followed ~~regarding the immobilization or if the court~~  
10 orders the seizure and forfeiture of a motor vehicle owned by the person who  
11 committed the offense ~~or the equipping of a motor vehicle owned by the person with~~  
12 ~~an ignition interlock device.~~ 3938k

13 SECTION 5. 940.25 (1d) (a) of the statutes is created to read:

14 940.25 (1d) (a) 1. Except as provided in subd. 2., if a person who committed an  
15 offense under sub. (1) (a), (b), (c) or (d) has 2 or more prior convictions, suspensions, <sup>plain</sup>  
16 or revocations, counting convictions under sub. (1) and s. 940.09 (1) in the person's  
17 lifetime plus other convictions, suspensions, or revocations counted under s. 343.307  
18 (1), the procedure under s. 343.301 shall be followed if the court orders that the  
19 person's operating privilege for the operation of "Class D" vehicles be restricted to  
20 operating "Class D" vehicles that are equipped with an ignition interlock device or  
21 if the court orders that the motor vehicle used during the refusal or violation and  
22 owned by the person be immobilized.

23 2. If a person who committed an offense under sub. (1) (a), (b), (c) or (d) has 2  
24 or more prior convictions, suspensions, or revocations counted under s. 343.307 (1)  
25 within a 5-year period, the procedure under s. 343.301 shall be followed if the court



orders the installation of an ignition interlock device in each motor vehicle owned by the person or if the court orders that each motor vehicle owned by the person be immobilized.

④ SECTION 3938m. 940.25 (1d) (a) 1. of the statutes, as created by 2001 Wisconsin Act . . . (this act), is amended to read:

940.25 (1d) (a) 1. Except as provided in subd. 2., if a person who committed an offense under sub. (1) (a), (b), (c) or (d) has 2 or more prior convictions, suspensions or revocations, counting convictions under sub. (1) and s. 940.09 (1) in the person's lifetime plus other convictions, suspensions, or revocations counted under s. 343.307 (1), the procedure under s. 343.301 shall be followed if the court orders that the person's operating privilege for the operation of "Class D" vehicles be restricted to operating "Class D" vehicles that are equipped with the installation of an ignition interlock device in each vehicle owned by the person or if the court orders that the each motor vehicle used during the refusal or violation and owned by the person be immobilized."

INSERT 8:

" (7k) IMMOBILIZATION AND IGNITION INTERLOCK DEVICES.

(a) The renumbering and amending of sections 343.305 (10m), 940.09 (1d), and 940.25 (1d) of the statutes, and the creation of sections 343.301, 343.305 (10m) (b), 940.09 (1d) (a), and 940.25 (1d) (a) of the statutes, and the treatment of sections 346.56 (6) (a) 1., 2m., and 3., and (b), ~~and~~ (k), (m), 347.413 (1), and 347.417 (1) and (2) of the statutes, and the repeal of sections 246.65 (6) (m) and 347.413 (2) of the statutes first applies to violations committed or refusals occurring on the effective date of this subsection, but does not preclude the counting of other convictions, suspensions, or revocations as prior convictions, suspensions, or revocations for

1 purposes of administrative action by the department of transportation, sentencing  
2 by a court, or revocation or suspension of motor vehicle operating privileges.

3 (b) The treatment of sections 343.12 (4) (a), (b), and (c) 1. (intro.), 343.10 (5) (a)  
4 3., 343.301 (1) (a) 1. (by <sup>CS</sup>SECTION 3418m), (b) 1. (by <sup>CS</sup>SECTION 3419m), and (2) (a)  
5 1. (by <sup>CS</sup>SECTION 3420m), 343.305 (10m) (a) (by <sup>CS</sup>SECTION 3423j), 940.09 (1d) (a) 1.  
6 (by <sup>CS</sup>SECTION 3937m), and 940.25 (1d) (a) 1. (by <sup>CS</sup>SECTION 3938m) of the statutes  
7 first applies to violations committed or refusals occurring on the effective date of this  
8 <sup>paragraph</sup> ~~subsection~~ but does not preclude the counting of other convictions, suspensions, or  
9 revocations as prior convictions, suspensions, or revocations for purposes of  
10 administrative action by the department of transportation, sentencing by a court, or  
11 revocation or suspension of motor vehicle operating privileges. ✓

12 <sup>K</sup> INSERT 9:

13 <sup>(9K)</sup> ~~IMMOBILIZATION AND IGNITION INTERLOCK DEVICES.~~ *September 30, 2001*

14 (a) The renumbering and amending<sup>ment</sup> of sections 343.305 (10m), 940.09 (1d), and  
15 940.25 (1d) of the statutes, and the creation of sections 343.301, 343.305 (10m) (b),  
16 940.09 (1d) (a), and 940.25 (1d) (a) of the statutes, ~~and the treatment of sections~~  
17 ~~346.56 (6) (a) 1., 2m., and 3., and (b), and (k), 347.413 (1), and 347.417 (1) and (2) of~~  
18 ~~the statutes, and the repeal of sections 346.55 (6) (m) and 347.413 (2) of the statutes~~  
19 and SECTION 9352 (7k) (a) takes effect on September 30, 2001.

20 (b) The treatment of sections 343.12 (4) (a), (b), and (c) 1. (intro.), 343.10 (5) (a)  
21 3., 343.301 (1) (a) 1. (by <sup>CS</sup>SECTION 3418m), (b) 1. (by <sup>CS</sup>SECTION 3419m), and (2) (a)  
22 1. (by <sup>CS</sup>SECTION 3420m), 343.305 (10m) (a) (by <sup>CS</sup>SECTION 3423j), 940.09 (1d) (a) 1.  
23 (by <sup>CS</sup>SECTION 3937m), and 940.25 (1d) (a) 1. (by <sup>CS</sup>SECTION 3938m) of the statutes  
24 and SECTION 9352 (7k) (b) take effect on January 1, 2002. ✓

of this act

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBb0493/1dn

PJH:/.....

WLJ

Jon Dyck:

Please note that this draft relates to yank #~~23~~<sup>7</sup>230 and #~~231~~<sup>231</sup>; it assumes that those "yanks" will not be part of the compiled draft.

Please also note that the provisions regarding community service will appear in a later version of this draft.

Finally, certain statutory changes are applicable to offenses that occur on September 30, 2001. If the budget bill does not become law before that date, the sanctions could be challenged as an unconstitutional ex post facto law. To avoid this, I could state that the changes first apply to offenses committed on September 30, 2001, or on the first day of the second month beginning after publication, whichever is later.

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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBb0493/1dn  
PJH:wlj:kjf

June 8, 2001

Jon Dyck:

Please note that this draft relates to yank #230 and #231; it assumes that those "yanks" will not be part of the compiled draft.

Please also note that the provisions regarding community service will appear in a later version of this draft.

Finally, certain statutory changes are applicable to offenses that occur on September 30, 2001. If the budget bill does not become law before that date, the sanctions could be challenged as an unconstitutional ex post facto law. To avoid this, I could state that the changes first apply to offenses committed on September 30, 2001, or on the first day of the second month beginning after publication, whichever is later.

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